

CLOSED,PAPER_REQUIRED

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:17-cv-00919-A**

Cquentia Series, LLC et al v. Channel (H), Inc. et al
Assigned to: Judge John McBryde
Case in other court: 348th Judicial District Court, Tarrant County, Tex, 348-295398-17
Cause: 28:1338 Copyright Infringement

Date Filed: 11/14/2017
Date Terminated: 03/21/2018
Jury Demand: None
Nature of Suit: 820 Property Rights: Copyright
Jurisdiction: Federal Question

Plaintiff

Cquentia Series, LLC

represented by **Rafael Chavez Rodriguez , III**
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Plaintiff

HTG Series
a series declared by CQUENTIA SERIES, LLC

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V.

Defendant

Channel (H), Inc.

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Defendant

Robert Capelli

represented by **Margaret Horton Apgar**

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Bar Status: Admitted/In Good Standing

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ATTORNEY TO BE NOTICED

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Justin Mercer

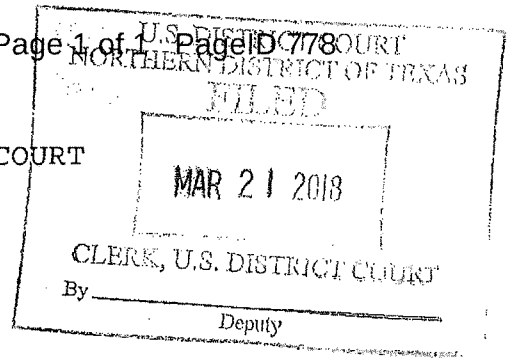
(See above for address)

Bar Status: Not Admitted

Date Filed	#	Docket Text
11/14/2017	<u>1</u>	NOTICE OF REMOVAL from Tarrant County District Court, case number 34829539817 filed by Channel (H), Inc., Robert Capelli. (Filing fee \$400; receipt number 0539-8804381) In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the Judges Copy Requirements is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Cover Sheet Supplement, # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s), # <u>6</u> Exhibit(s), # <u>7</u> Exhibit(s), # <u>8</u> Additional Page(s)) (Apgar, Margaret) Modified text on 11/15/2017 (tln). (Entered: 11/14/2017)
11/14/2017		CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Channel (H), Inc. (see doc. <u>1</u> for image) (tln) (Entered: 11/15/2017)
11/15/2017	<u>2</u>	New Case Notes: A filing fee has been paid. File to Judge McBryde. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (tln) (Entered: 11/15/2017)
11/15/2017	<u>3</u>	Standing ORDER Concerning Paper Filing in Cases Assigned to District Judge John McBryde...see order for specifics. (Ordered by Judge John McBryde on 11/15/2017) (tln) (Entered: 11/15/2017)
11/15/2017	<u>4</u>	Report to Copyright Office of Initiating Document. Form AO 121 e-mailed to 508filings@loc.gov. (Attachments: # <u>1</u> notice of removal) (tln) (Entered: 11/15/2017)
11/15/2017	<u>5</u>	***UNFILED PER <u>7</u> ORDER***NOTICE of Related Case re: <u>1</u> Notice of Removal, filed by Channel (H), Inc. (Apgar, Margaret) Modified text on 11/16/2017 (tln). (Entered: 11/15/2017)
11/15/2017	<u>6</u>	***UNFILED PER <u>7</u> ORDER***AMENDED DOCUMENT by Channel (H), Inc. Amendment to <u>1</u> Notice of Removal. (Apgar, Margaret) Modified text on 11/16/2017 (tln). (Entered: 11/15/2017)
11/16/2017	<u>7</u>	Order Unfiling <u>5</u> Notice of Related Case, <u>6</u> Amended Document (Civil Cover Sheet) filed by Channel (H), Inc. due to the following deficiency: This case is not designated for electronic filing. All documents should be filed in traditional paper form, bearing the original signature of the filer. (Ordered by Judge John McBryde on 11/16/2017) (tln) (Entered: 11/16/2017)
11/20/2017	<u>8</u>	***UNFILED AND STRICKEN PER <u>9</u> ORDER*** Judge McBryde's paper original and copies of <u>5</u> Notice (Other), <u>6</u> Amended Document, <u>1</u> Notice of Removal, Cert. Of Interested Persons/Disclosure Statement filed by Robert Capelli, Channel (H), Inc received pursuant to the standing order. (bdb) Modified on 11/21/2017 (bdb). (Entered: 11/21/2017)
11/21/2017	<u>9</u>	ORDER Unfiling <u>8</u> Notice (Other), filed by Channel (H), Inc., Robert Capelli due to the following deficiency: The document bears the signature of a law firm, rather than an individual attorney. (Ordered by Judge John McBryde on 11/21/2017) (bdb) (Entered: 11/21/2017)
11/21/2017	<u>10</u>	ANSWER to Complaint filed by Robert Capelli, Channel (H), Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. If additional patent or trademark numbers are included, the clerk will prepare the appropriate Report to the Patent/Trademark or Copyright Office. (bdb) (Entered: 11/22/2017)
11/28/2017	<u>11</u>	Judge McBryde's paper original and copies of <u>1</u> Notice of Removal, filed by Robert Capelli, Channel (H), Inc. (tln) (Entered: 11/28/2017)
11/28/2017	<u>12</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Channel (H), Inc. (tln) (Entered: 11/28/2017)
11/28/2017	<u>13</u>	NOTICE of Related Case filed by Robert Capelli, Channel (H), Inc. (tln) (Entered: 11/28/2017)
11/28/2017	<u>14</u>	AMENDED DOCUMENT by Robert Capelli, Channel (H), Inc. Amendment to <u>1</u> Notice of Removal (cover sheet). (tln) (Entered: 11/28/2017)
12/12/2017	<u>15</u>	***UNFILED PER <u>17</u> ORDER***MOTION to Remand filed by Cquentia Series, LLC, HTG Series with Brief/Memorandum in Support. (mpw) Modified text on 12/13/2017 (tln). (Entered: 12/12/2017)
12/12/2017	<u>16</u>	***UNFILED PER <u>17</u> ORDER***Appendix in Support filed by Cquentia Series, LLC, HTG Series re <u>15</u> MOTION to Remand. (mpw) Modified text on 12/13/2017 (tln). (Entered: 12/12/2017)
12/13/2017	<u>17</u>	Order Unfiling <u>15</u> MOTION to Remand, <u>16</u> Appendix in Support filed by Cquentia Series, LLC, HTG Series, due to the following deficiency: The appendix is not appropriately tabbed, bound, or highlighted, as required by the court's standing order and the undersigned's judge-specific requirements. (Ordered by Judge John McBryde on 12/13/2017) (tln) (Entered: 12/13/2017)
12/14/2017	<u>18</u>	MOTION to Remand filed by Cquentia Series, LLC, HTG Series with Brief/Memorandum in Support. (tln) (Entered: 12/14/2017)

12/14/2017	<u>19</u>	Appendix in Support filed by Cquentia Series, LLC, HTG Series re <u>18</u> MOTION to Remand. (Attachments: # <u>1</u> part 2 appx pgs 48 - 66) (tln) (Entered: 12/14/2017)
01/04/2018	<u>20</u>	MOTION for Leave to File Amended Answer and Counterclaim filed by Robert Capelli, Channel (H), Inc. (Attachments: # <u>1</u> Exhibit(s) A) (tln) (Entered: 01/05/2018)
01/04/2018	<u>21</u>	RESPONSE and Brief filed by Robert Capelli, Channel (H), Inc. re: <u>18</u> MOTION to Remand. (tln) (Entered: 01/05/2018)
01/04/2018	<u>22</u>	Appendix in Support filed by Robert Capelli, Channel (H), Inc. re <u>21</u> Response. (tln) (Entered: 01/05/2018)
01/04/2018	<u>23</u>	MOTION and Brief for Leave to Amend Notice of Removal filed by Robert Capelli, Channel (H), Inc. (tln) (Entered: 01/05/2018)
01/04/2018	<u>24</u>	Appendix in Support filed by Robert Capelli, Channel (H), Inc. re <u>23</u> MOTION for Leave to File Amended Notice of Removal. (tln) (Entered: 01/05/2018)
01/11/2018	<u>25</u>	Joint REPLY filed by Cquentia Series, LLC, HTG Series re: <u>18</u> Joint MOTION to Remand. (tln) (Entered: 01/11/2018)
01/18/2018	<u>26</u>	RESPONSE and Brief in Opposition filed by Cquentia Series, LLC, HTG Series re: <u>23</u> MOTION for Leave to File Amended Notice of Removal. (bdb) (Entered: 01/19/2018)
01/18/2018	<u>27</u>	RESPONSE and Brief in Opposition filed by Cquentia Series, LLC, HTG Series re: <u>20</u> MOTION for Leave to File Amended Answer and Counterclaim. (bdb) (Entered: 01/19/2018)
01/24/2018	<u>28</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Cquentia Series, LLC, HTG Series. (tln) (Entered: 01/24/2018)
01/30/2018	<u>29</u>	ORDER: The court ORDERS that defendants be, and are hereby, granted leave to file by February 6, 2018, an amended notice of removal establishing the jurisdiction of the court over this action. (Ordered by Judge John McBryde on 1/30/2018) (bdb) (Entered: 01/30/2018)
02/01/2018	<u>30</u>	REPLY filed by Robert Capelli, Channel (H), Inc. re: <u>20</u> MOTION for Leave to File Amended Answer and Counterclaim. (bdb) (Entered: 02/02/2018)
02/06/2018	<u>31</u>	AMENDED NOTICE OF REMOVAL filed by Channel (H), Inc., Robert Capelli. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (tln) (Entered: 02/06/2018)
02/06/2018	<u>32</u>	Declaration of Robert Capelli filed by Robert Capelli. (tln) (Entered: 02/06/2018)
02/06/2018	<u>33</u>	Declaration of Margaret Horton Apgar filed by Robert Capelli, Channel (H), Inc. (tln) (Entered: 02/06/2018)
02/09/2018	<u>34</u>	ORDER FOR REPLEADING: Amended Pleadings due by 2/21/2018. Responses due by 3/2/2018. (Ordered by Judge John McBryde on 2/9/2018) (bdb) (Entered: 02/09/2018)
02/09/2018	<u>35</u>	ORDER: The court ORDERS that the motion of plaintiffs, Cquentia Series, LLC, and HTG Series, to remand <u>18</u> be, and is hereby, denied. The court further ORDERS that defendants' motion <u>20</u> for leave to amend be, and is hereby, denied. (Ordered by Judge John McBryde on 2/9/2018) (bdb) (Entered: 02/09/2018)
02/12/2018	<u>36</u>	Unopposed MOTION for Extension of Time to File Amended Pleadings filed by Cquentia Series, LLC, HTG Series. (tln) (Entered: 02/12/2018)
02/13/2018	<u>37</u>	ORDER granting <u>36</u> Motion for Extension of Time to File Amended Complaint. Amended Pleadings due by 3/16/2018. Responses due by 3/30/2018. (Ordered by Judge John McBryde on 2/13/2018) (bdb) (Entered: 02/13/2018)
03/07/2018	<u>38</u>	SUGGESTION OF BANKRUPTCY Upon the Record as to Total Diagnostic Labs, LLC, fka Cquentia Series, LLC by Cquentia Series, LLC. (tln) (Entered: 03/07/2018)
03/08/2018	<u>39</u>	ORDER: The court has received and reviewed the suggestion of bankruptcy filed 3/7/2018, reflecting that plaintiff Total Diagnostix Labs, LLC, f/k/a Cquentia Series, LLC, has filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code. Inasmuch as Total is a plaintiff in this action, it does not appear that the automatic stay would affect this action. If the parties believe otherwise, they should immediately take whatever action may be appropriate to either lift the stay or dismiss the claims here so that they may be pursued in bankruptcy court. (Ordered by Judge John McBryde on 3/8/2018) (bdb) (Entered: 03/08/2018)
03/15/2018	<u>40</u>	MOTION to Dismiss filed by Cquentia Series, LLC, HTG Series. (bdb) (Entered: 03/15/2018)
03/15/2018	<u>41</u>	Appendix in Support filed by Cquentia Series, LLC, HTG Series re <u>40</u> MOTION to Dismiss. (Attachments: # <u>1</u> Additional Page(s)) (bdb) (Entered: 03/15/2018)
03/16/2018	<u>42</u>	Plaintiff's Second Motion for Extension of Time to File Amended Complaint filed by Cquentia Series, LLC, HTG Series (wxc) (Entered: 03/16/2018)
03/16/2018	<u>43</u>	Defendants' Response to Plaintiffs' Motion for Voluntary Dismissal Without Prejudice filed by Robert Capelli, Channel (H), Inc. re: <u>40</u> (wxc) (Entered: 03/16/2018)

03/16/2018	<u>44</u>	Appendix in Support of Defendants' Response to Plaintiffs' Motion for Voluntary Dismissal filed by Robert Capelli, Channel (H), Inc. re <u>43</u> Response (wxc) (Entered: 03/16/2018)
03/19/2018	<u>45</u>	ORDER: The court would benefit from an expedited response to the document titled "Defendants' Response to Plaintiffs' Motion for Voluntary Dismissal Without Prejudice," filed in the above-captioned action on March 16, 2018, by defendants, Channel (H), Inc. and Robert Capelli, Therefore, the court ORDERS that plaintiffs, Cquentia Series, LLC and HTG Series, file a response to such document by 2:00 p.m. on March 21, 2018. (Ordered by Judge John McBryde on 3/19/2018) (tln) (Entered: 03/19/2018)
03/21/2018	<u>46</u>	REPLY filed by Cquentia Series, LLC, HTG Series re: <u>40</u> MOTION to Dismiss. (tln) (Entered: 03/21/2018)
03/21/2018	<u>47</u>	ORDER: Came on for consideration the motion of plaintiffs, Cquentia Series, LLC, and HTG Series, for dismissal without prejudice. The court, having considered the motion, the response of defendants, Channel (H), Inc., and Robert Capelli, the reply, the record, and applicable authorities, finds that, pursuant to Miscellaneous Order 33 of the United States District Court for the Northern District of Texas, the case should be referred to the Bankruptcy Judges of this district for consideration and resolution consistent with law. The clerk will prepare the final Report to the Patent/Trademark or Copyright Office. (Ordered by Judge John McBryde on 3/21/2018) (tln) (Entered: 03/22/2018)
03/22/2018	<u>48</u>	Report to Copyright Office of Final Order. Form AO 121 e-mailed to 508filings@loc.gov. (Attachments: # <u>1</u> initiating doc, # <u>2</u> order) (tln) (Entered: 03/22/2018)



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CQUENTIA SERIES, LLC, ET AL., §

Plaintiffs, §

VS. §

NO. 4:17-CV-919-A

CHANNEL (H), INC., ET AL., §

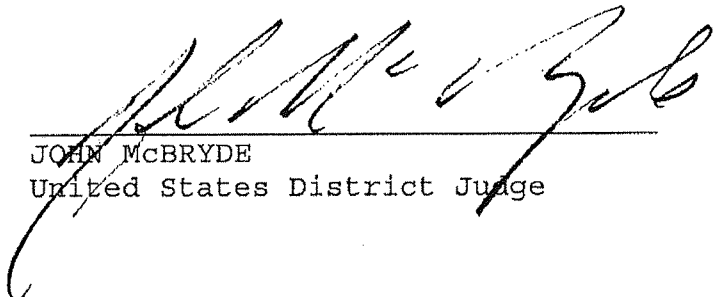
Defendants. §

ORDER

Came on for consideration the motion of plaintiffs, Cquentia Series, LLC, and HTG Series, for dismissal without prejudice. The court, having considered the motion, the response of defendants, Channel (H), Inc., and Robert Capelli, the reply, the record, and applicable authorities, finds that, pursuant to Miscellaneous Order 33 of the United States District Court for the Northern District of Texas, the case should be referred to the Bankruptcy Judges of this district for consideration and resolution consistent with law.

The court SO ORDERS.

SIGNED March 21, 2018.


JOHN McBRYDE
United States District Judge